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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,920	01/13/2004	David J. Koester	06005/39277	5159

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EXAMINER

FRISTOE JR, JOHN K

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/756,920

Applicant(s)

KOESTER, DAVID J.

Examiner

John K. Fristoe Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/13/04, 4/18/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements filed 1/13/2004 and 4/18/2005 are acknowledged by the examiner.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “threaded fasteners” recited in claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3. The drawings are objected to because there are two elements shown as “46” but in the specification there is no element 46 disclosed. However there are two elements disclosed with reference number “47”. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: on page 46, line 2, the threads on the seat ring are given the reference number “47” and on page 46, line 4, the reads on the valve body are given the reference number “47”. Two elements cannot be given the same reference number.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 828,216 (Kieren). Kieren discloses a seat ring assembly for a valve comprising a housing (4), a bore (the chamber within element 4 in figure 1), at least one aperture (the bottom opening of the chamber of element 4 in figure 1), the housing (4) having a first end (the top portion of element 4 in figure 1) and a second end (the bottom portion of element 4 in figure 1), a valve seat (5), a plurality of threads (on the exterior ring of element 4 in figure 1) on the second end of the housing, wherein the housing and seat are integrally formed as one-piece, wherein the first end has a smaller diameter (the diameter surrounding the valve stem in figure 1) than the first end, and the seat ring (4) has a plurality of aperture (col. 1, lines 48-49).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-8, 10, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 828,216 (Kieren) in view of U.S. Pat. No. 3,762,685 (Curran). Kieren discloses the above described control valve seat ring assembly and method of assembling the control valve

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further comprising a valve body (1), an inlet (2, the left side of valve body 1 in figure 1), an outlet (2, the right side of valve body 1 in figure 1), a valve plug (6), a valve stem (7), a seat ring (4), the seat ring (4) having a first end (the top portion of element 4 in figure 1) and a second end (the bottom portion of element 4 in figure 1), the control valve is unbalanced (there are no balancing paths within valve plug 6 in figure 2), wherein the seat (4) is fastened to the body (1) with no gaskets, at least one aperture through the seat ring wall (col. 1, lines 48-49) that are a predetermined shape (all holes that are machined in a housing are a predetermined shape), wherein the valve plug is cylindrical (figure 2) having a nose portion (9) that produce desired flow characteristics, wherein the seat ring is inserted into the valve body (col. 1, lines 29-32), threading the seat ring (4) into the casing the threads are seen between webbing 3 and the seat ring 4 in figure 1), and a securing a bonnet (the cup shaped member surrounding packing 11 in figure 1) but lacks a bushing between the seat ring member and the valve stem, the flow apertures being in the cylindrical wall of the seat ring, and the bonnet being secured to the valve body by threaded fasteners. Curran teaches a control valve comprising a valve body (10), a valve stem (17), a seat assembly (14), a valve plug (20), wherein the valve is unbalanced (there are no balancing passages within valve plug 20), a post-guided valve stem having a bushing (18), at least one predetermined shaped apertures (15) in the cylindrical wall of the seat ring assembly (14), wherein the bushing (18) maintains the valve plug (20) substantially concentric with the valve seat, and threaded fasteners (22) that that secure the bonnet (21) to the valve body (10).

Regarding the bushing, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the control valve of having a stem guide Kieren by adding a bushing to the first end of the seat ring assembly as taught by Curran in order for the

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valve stem to act directly on the bushing so that the wear caused by repeated uses of the valve will not effect the seat ring.

Regarding the flow apertures, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the seat ring assembly having apertures in the dome portion of seat ring assembly of Kieren by having a cylindrical extension with flow apertures as taught by Curran in order for the flow to be less restricted through the seat ring assembly as it passes by the valve plug.

Regarding the threaded fasteners, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the valve bonnet which is secured to the valve body by having internal threads of Kieren by securing the bonnet to the valve body with threaded fasteners as taught by Curran in order to be able to remove the valve bonnet from the valve body without rotating the bonnet which may dislodge components within the valve body.

Regarding the drilled apertures of claim 7, the examiner considers the apertures being made by drilling a product-by-process limitation. The prior art cited above disclose apertures that pass through the seat ring which are structurally identical to holes formed by other means and the patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 807,476 (Leidecker) discloses a seat ring assembly.

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U.S. Pat. No. 1,542,612 (Collar) discloses a seat ring having a narrowed first end.

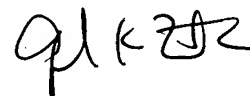
U.S. Pat. No. 1,908,440 (Milton) discloses a seat ring assembly having a narrowed first end.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926.

The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John K. Fristoe Jr.
Examiner
Art Unit 3751

JKF



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5/8/05